

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. District Court
Wisconsin Eastern

JUN 14 2021

FILED
Clerk of Court

SAMANTHA PLETCHER; and ADAM
PLETCHER

Plaintiffs,

vs.

SPARKPLUG CAPITAL LLC, a Delaware
Limited-Liability Company.

Defendant.

)
) Case No: 20-cv-00811
)

) PLAINTIFF'S MOTION IN LIMINE
)

On June 3, 2021 Defendants gave Plaintiffs notice of their intent to use Plaintiff Adam Pletcher's prior criminal convictions to impeach Adam Pletcher's credibility should he testify at trial.

Accordingly, Plaintiffs hereby respectfully move this Court, in limine, for an Order precluding Defendant from offering evidence of or concerning any criminal convictions of Plaintiff, Adam Pletcher.

In support of the motion, the Federal Rules of Evidence permit the impeachment of a witness by prior convictions punishable in excess of one year. *See* Fed. R. Evid. 609(a). However, if more than ten years has lapsed since the conviction or the release from confinement for the conviction, the evidence is not admissible unless the probative value substantially outweighs prejudicial effect. Fed. R. Evid. 609(b). In *Zinman v. Black & Decker, Inc.*, 983 F.2d 431, 434 (2d Cir. 1993), the Second Circuit stated that a conviction outside of the ten year window should be admitted "very rarely and only in exceptional

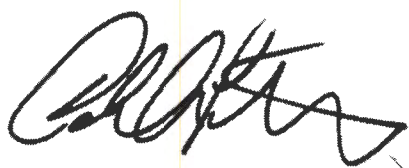

circumstances.” Plaintiff Adam Pletcher’s was released from prison nearly 20 years ago and the underlying offense occurred over 24 years ago and has no relevance to this matter. Equally important, since Plaintiff Adam Pletcher’s incarceration there has not been a single allegation, charge or conviction for any criminal acts. Accordingly, Defendant’s attempt to exploit a nearly quarter century old, unrelated criminal history should not be permitted in this trial. Evidence of such convictions will unduly prejudice the jury and far outweigh any probative value such evidence may offer.

CONCLUSION

For the reasons stated above, Plaintiffs respectfully requests that this motion *in limine* be granted and that Plaintiffs be given such other and further relief as the Court deems fair and proper.

Respectfully submitted,

Dated: June 10, 2021



By: _____
Adam & Samantha Pletcher
Plaintiffs